

Planning Board Meeting Minutes
November 10, 2016

Board Present: Maria Pease, Laura Curtis, Glenn Taylor, John Mountainland, Jerry Brooks and Robin Milliken

Absent: Dale Flint.

Also Present: CEO Grant Watmough, Todd Hamula, Jay Feyler, Terry Brackett, Greg Grotton, Erik Amundsen, Alan Boyer, Rai Bernheim and Dave Cichowski.

1. **Call to Order:** by Chair at 6:30PM.
2. **Accept minutes of 4/28/2016:** Motion Laura Curtis to accept minutes as written. Second Jerry Brooks. Unanimous.
3. **Pre-application review Site Plan Review - Nobis Engineering (Dollar General Store) Map 25 Lot 7 - intersection of Heald Highway & Town House Hill Rd.**

Chair: Planning Board has application submitted, we will review that. The Planning Board makes sure that the Standards in the Ordinance are met. In this case we will have a Public Hearing for anyone who wants to come and speak. The Chair asks the representative of Nobis Engineering for a brief description of the project you are proposing.

Hamula: Dollar General has presented us with a market study that they are interested in locating a new store in the Union market. We have looked at a number of sites in Union. This location was not our first choice. We looked at another site down the road which has access to the Fairgrounds. We determined the site was all in wetlands we were not able to pursue it for development. We looked at Heald Highway/Town House Hill Rd. site and we are able to get it under contract; we don't own the property. The sale is contingent upon us getting Planning Board approvals. We got together with Nobis Engineering we put the Site Plan together which is before you tonight. We are proposing to build a 9,100 sq. ft. Dollar General Retail Store. Dollar General owns over 12,000 stores nationwide. They are a general merchandise store selling name brands and household goods. Thirty (30) parking spaces with one entrance off Town House Hill Rd. into the site. The property is over 6 acres in size there is rock outcropping so we know there is rock there. We have done some geotechnical boring, we know the depth of the rock there will need to be some blasting that needs to be done to remove the rock in the area that we are proposing to build. We are proposing the site plan up closest to the intersection versus further back in. Our intention is to purchase the site but we are looking at only purchasing half of the property from the property owner and subdividing the rest. He believes there is another development that has yet to come before you that is a little further to

the south and there is interest he believes in part of this site for that project. We are working with that developer so that they could purchase part of what we have under contract. Part of this application will involve the splitting up of this six (6) acre property. The challenges with the property are pretty obvious it's all about rock. We estimate there is about 5000/6000 cu. yds. of rock that will need to be blasted. It's a very expensive proposition one that we normally don't have when we develop these sites. Dollar General is very committed to this location in The Town. Nobis Engineering is the company who did the surveying; they are in the process of designing the grading and utility plans. There will be septic and a well. We plan on sinking the building into the site a little bit so that behind it and we will show this on a grading plan it will be into the rock a little bit. We will not be blasting all the rock from the site so behind it will be kind of like a rock/ledge or rock wall about 6ft. tall.

Chair: Anyone on the Board have any questions

Curtis: I've seen the building that is going to be built in Belmont is this going to be the same Size?

Hamula: He is not familiar with that project, it could be another developer 9100 sq. ft. is their typical building size.

Brooks: You're looking to subdivide the 6.4 acres?

Hamula: Yes. He showed the Board what that looks like on the drawing.

CEO: He used the term sub-division when we talk about sub-division we think about your Sub-division review with the Ordinance I gave you. The division of a tract or partial into two lots in a five year period is outside Sub-Division review for the Board. You would have to divide a parcel into three parts in a five year period in order to kick in The Sub-Division.

Chair: Lot size requirement is just a matter of sq. ft. of the building for lot coverage?

CEO: How many acres are you proposing to buy?

Hamula: Roughly half a little over 3 acres.

CEO: 60,000 sq. ft. is our minimum lot size about an acre and a half.

Taylor: I think what she meant was, what is the size of the building for the lot. You can't put a 9,000 sq. ft. building on one acre.

Chair: Maria can't remember what the lot coverage percentages are.

CEO: It's different in the Commercial Zone. Maximum lot size by building is 20% in the Commercial Zone.

Hamula: We have been in discussion with DOT about the entrance. The other developer has already engaged the DOT about his project and the DOT is working with him to establish a curb cut. We were concerned the DOT might not permit two driveways so we talked to DOT about that they told us as long as it is far enough away from the intersection maybe line it up with what is across the street would be permitted. They would allow two driveways along the front of this property on Town House Hill Rd.

Chair: The other developer is proposing the driveway off of Town House Hill Rd.?

Hamula: Correct.

Chair: We have two things here first of which is a proposal for something that is greater than 1500 sq. ft. We will go through the Site Plan Review process and we also have a proposal for a retail establishment in our Land Use table that requires Planning Board approval.

Land Use Table 244 Retail Business - Commercial Zone with Planning Board Approval:

Check list for commercial under Land Use

1. Air Water pollution: not applicable

2. Dust, fumes, vapors and gasses:

Hamula: based upon the density of the rock will determine whether it has to be blasted or not. That will be determined by the Contractor. There is an advantage to crushing on site, it could be used as a sub-base in the parking lot.

3. Odor: not applicable

4. Soil Erosion:

5. Vehicular access, parking and traffic flow:

6. Solid waste and sewage waste disposal: there is a proposal for a subsurface discharge septic system to be put in.

7. Historic site:

CEO: it's a vacant lot there is no knowledge of anything historic about the site.

8. Comp. Plan and all Ordinances:

CEO: You are dealing with two of the chapters in our Ordinance, that's being reviewed. This is in the Commercial Zone and that's where the Comprehensive Plan encourages Commercial to be.

Brooks: this borders the Village District, at what point does the Village District kick in.

CEO: The Village District kicks in behind this one.

Chair: Let's review the application in front of us, we cannot project what may or may not be down the road. We have an application in front of us that is in the Commercial District. Who knows what they are going to propose in the Village District. Jerry is absolutely correct there are tighter requirements in the Village District the size of the buildings are different. The standards in The Village District are much different than in the Commercial District. I appreciate the background information it's very helpful to us but she wants to make sure as a Board we're looking at the application that has been submitted.

CEO: We have no other application at this point for anything else.

Taylor: Are we looking at this with the three (3) acres or the complete six (6)?

Hamula: Maybe you are looking at it as the six but I am going to be proposing a splitting of that six. So that we are developing and meeting the standards within that smaller acreage and then there will be a second lot that will be residual leftover after this.

Chair: that doesn't affect us at all. As long as the minimum lot size requirement is met it doesn't matter if it's three, six or forty two acres. They are well within their rights to divide that lot outside our Sub-Division Ordinance.

CEO: the access you proposed on Town House Hill can you provide the dimensions of how wide and how far from the intersection.

Hamula: It will have to conform to the DOT width standards. The driveway will be approximately 30ft. wide we would like to have it a little bigger so we can have an in and out but the DOT will dictate that to us. We plan to align it with what is across the street. We can detail that out for the next meeting.

9. 100 year flood plain:

CEO: It is not in the flood plain.

Chair: any questions from the Board?

10. Any environment concerns

11. Glare:

CEO: I assume you will have lighting from the parking area that will be downcast.

Hamula: We are putting together a lighting plan that will show you light levels. We will provide that submittal.

Chair: knowing this area, Maria's biggest concern would be the traffic.

Hamula: We do not have an application with the DOT. We do have correspondence with the DOT that we can provide asking them about the possibility of getting a second entrance there.

Chair: A second entrance for the future site? You are only proposing one entrance for this project.

Hamula: Yes.

Chair: We would need to see that to give us some reassurance that there has been some professional thought put into how the traffic is going to work at this intersection.

Hamula: The DOT has a Traffic Manual that helps them understand how many trips would come through a store this size how many cars they would anticipate coming into this, they look at the peak hour the busiest time of the day and there are typically two, one in the morning and one in the afternoon or early evening. The store hours are opening at 8AM closing at 10PM Monday thru Saturday. Sunday hours are opening 8AM closing at 6PM. Peak hour would be sometime between 4 and 6 based on what the peak hours are on the road today. It differs from Town to Town. This store would generate at the busiest time of the day 60 cars in that peak hour, 30 in and 30 out. Generally speaking and the Engineer will be here for the Public Hearing you could ask him the same question. Anything under 100 cars in the peak hour is considered a low traffic area. Anything above 100 cars is considered high then you get into a second driveway to help with the traffic coming in and out. The DOT considers this a low traffic area. This kind of a project generally does not require a traffic study because they know how many cars come in and out because it's a smaller footprint of a store.

Chair: so it sounds as though the DOT has their own methodology and formulas to apply and use those calculations to determine whether there's going to be a traffic study or not. As far as this Board is concerned the DOT's input is what we'll use. In the past we have gone on recommendations of the DOT.

Hamula: We already know they would not permit a driveway on Route 17. We know there would be different requirements from the DOT. The speed limits are a lot higher, more cars on that road to safely turn in or turn left in. Plus the way we are trying to develop the design for the site we don't think it is very advantageous to have a driveway on Route 17. We are keeping it to the slower road to turn in or out. This intersection is really a retail intersection three of the four corners are developed this is the last one that is not developed.

Chair: We've gone through the list of what we need to consider for this as having Planning Board approval. Are there other questions or do we want to move on to Site Plan Review?

CEO: Four things the Board may want to look at: **Land Use Ordinance Page 33:**

Chair: We have four items we need to consider under **Retail and Wholesale Businesses, Business and Professional Offices, and Commercial Outdoor Recreation:**

1.10.3.25.1 Side and rear yard setbacks shall be not less than thirty (30) feet, of which not less than ten (10) feet shall be maintained as yard space.

Hamula: We will have 30ft or more or greater on the side and rear that will be maintained as green space.

1.10.3.25.2 No parking or outdoor storage shall be located within ten (10) feet of any lot line.

Hamula: We are at least ten (10) ft. away from the property line.

CEO: looks like the closest on Rt. 17 is fifteen (15) feet.

Hamula: that will be maintained as yard space, green area.

1.10.3.25.3 All outdoor storage of material, goods, or vehicles shall be screened from view from adjacent residential lots as required for off-street parking and loading areas.

Chair: are there adjacent residential lots?

Hamula: residential lots that are adjacent to this site are to the rear and just the simple fact that we are putting the building lower than what is there today we are screening it naturally just by how we are engineering the site. Some sites where it is flat you need sometimes to put up a fence or some kind of vegetation so that you are screening parking or receiving area to the project in this case here we are doing it kind of the way we are designing the site. We're setting it into the rock so we have a rock wall behind it, a nice natural screen.

Chair: Is drainage a concern.

Hamula: We will be cutting in a channel with a catch basin on the backside of the low side of the slope so everything will drain to the front then it will be released into the low area that is on the site.

Brooks: Is there a loading dock.

Hamula: The shipping and receiving area is kind of on the back corner where you've got receiving doors, the dumpster enclosure area will be screened from the Town House right of way. The proposed septic area on the site we know this area to be good because there is between 7 to 10ft. of vegetation before you hit rock. There is one truck that comes in once a week while it's offloading and then out. We designed this site so you don't need to circulate all around the building. He did indicate the loading area on the map.

Chair: How high is that natural retaining wall to the elevation to the building?

Hamula: He thinks it will be over 6ft. tall.

Chair: What's the total elevation to the building?

Hamula: total elevation of the building is 18ft. tall.

Brooks: So the loading dock would be screened essentially.

Chair: they are co-locating the trash with the loading area so both would be screened

Hamula: We will have a fence a board fence that's around the two dumpsters but the loading is really going to be screened by that retaining wall.

1.10.3.25.4 Retail facilities in the Village District shall not exceed a ground footprint of 2,500 sq. ft.

Chair: this proposal is not in the Village District.

Site Plan Review

The Board went through Application Procedures

1. Within six months of the pre-application meeting, the applicant shall submit the following material to the Code Officer at least eight (8) days prior to a regular meeting accompanied by application fee.

CEO: We have the fee for tonight's meeting. Before the next meeting there will be another fee required.

- A. Eight copies of the Site Plan Review application
- B. eight copies of Site Plan showing the following information drawn to scale not more than 100ft to the inch and not less than 40ft. to the inch on standard 24"x36" paper.

Chair: In the past we decided we all didn't need a copy.

CEO: You'll need one for your file, Code Officer needs one, Assessor's Agent should have one and the applicant should get one back so that would be four.

Hamula: so eight changes to four.

Information provided on drawing should include:

- 1. Name and Address of applicant and developer
- 2. Scale and true north or magnetic indicator
- 3. Total land area of site
- 4. Location of development on the site.
- 5. Location of watercourses, marshes or bedrock on the site

Hamula: We did map the bedrock and it will be in the Geotechnical Report.

- 6. Existing soil conditions as described by a soil scientist, geologist, engineer or soil conservation service medium intensity soil survey.

Hamula: We have that report from a Maine licensed Soil Scientist.

- 7. Location of proposed public utilities, culverts, wells, and leach fields.

Hamula: The drawing shows all of that.

- 8. Location of fencing, screening or landscape work

Hamula: We will provide a landscape plan.

- 9. Contour lines may be required and specified by the Planning Board showing elevations in relation to national geographic vertical datum.

- 10. Municipal tax map, lot numbers, names and addresses of all land owners within 500ft.

CEO: put together a list of all property owners within 500ft. The Codes Office will notify all property owners within 500ft within 10 days of the Public Hearing.

- 11. The Planning Board may also require an updated survey completed by a licensed Maine surveyor or engineer.

- 12. Exact dimension and acreage of parcel

- 13. Location of all buildings within 300ft of the property boundaries

Hamula: We will make sure we capture any building within 300ft of property boundaries. The only one he could think of would be the ones on the other side of the street (Four Corners and Bank).

Chair: As the Board how do we want these shown? We are all very intimately familiar with that corner.

Hamula: We did an aerial overlay of the area that we will include.

- 14. Location of all other structures wells, sewer systems, water bodies, easements, drainage ways, public and private water ways and roads within 300ft. of the boundary lines.

CEO: Grant suspects that is in here because of set-back requirements. That is not an issue here.

- 15. The size, shape and location of existing and proposed buildings on the parcel, as well as elevations of proposed buildings

Hamula: We will provide elevation drawings of the building.

- 16. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, designs of ingress and egress of vehicles to and from the site onto public streets, and curb and sidewalks lines

17. A signature block on this site plan, including space to record a reference to the order by which the plan is approved.
2. The applicant shall attend a meeting of the Planning Board to discuss his/her application for all supporting data requested.
Board agrees to 12/08/2016 meeting at 6:30PM
3. Upon determining that a complete application has been submitted for review and appropriate fees have been paid The Planning Board shall issue a dated receipt of a completed application
4. The Planning Board will hold a public hearing on all applications within 45 days of submitted application.
5. The Planning Board shall notify all landowners within 500 ft. from applicant's property lines.
6. The Planning Board may require applicant to solicit written comments from the road commissioner, fire chief, school superintendent and utilities on the impact of the proposed development on the services they provide.
Chair: written comments from Road Commissioner not needed
CEO: Is the building going to be protected from fires is it going to be sprinkled.
Hamula: the building will not be sprinkled it is under the square footage requirement to have a sprinkler system. It will meet the State Fire Marshalls requirements for this building type and size.
CEO: so you have to do a Fire Marshall's permit and their certification.
Hamula: We are accustomed to doing that by submitting all the building drawings to the Fire Marshall's Office for our construction permits.
Chair: given that they have to submit their drawings to the Fire Marshall Office do we feel we need to have our Fire Chief here in Union weigh in. Board responds, no.
School Superintendent: Board responds, no.
Chair: are we all in agreement that our Municipal figure heads we don't need written comments from them. Board responds yes.
7. Before the Planning Board gives final approval the applicant must meet on of the performance guarantees contained in Section V. (K)
Chair: Do we need a performance guarantee: Board responds there is no loss to the Town.
8. Forty Five (45) days after submission of the completed application (date receipt) the Board shall act to approve with conditions or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. In respect to all review criteria the burden of proof rests with the application.
CEO: does the Board feel the need for a Site walk?
Board: no site walk needed.

Motion Glenn Taylor to change 1B eight (8) copies of site plan to four (4) copies and items #10 (list of all property owners within 500ft.) waive 13, (will be provided with aerial overlay of property) 14, and 7. Seconded Laura Curtis. Unanimous.

Hamula: the application will be in Codes office on December 1, 2016.
CEO: application will be available to the public after application has been received by the Code Officer.

4. **Any other business by the Board:** Chair noted it looks like the legalization of Marijuana has passed although it may go to a recount. Do we feel as Planning Board we'd like to recommend to the Select Board a Moratorium on Retail Establishments all agree except for Glenn. Jay Feyler said within the next few weeks there will be some guidelines. Maine Municipal will come out with some suggestions and one of their suggestions was not do a Moratorium until you get closer to the deadlines.

5. **Adjourn:** Motion Laura Curtis to adjourn at 8:00PM. Seconded John Mountainland.
Unanimous.

These minutes were approved on _____ with the following amendments.